

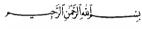
PERPLEXING SOCIAL PROBLEMS



الحللأمثل لمشكك لعالم الإجتماعية

Mamarinta-Umar P. Mubabaya

PUBLISHING HOUSE



IN THE NAME OF ALLAH
THE MERCIFUL THE COMPASSIONATE

ISLAM: THE SOLUTION TO THE WORLD'S PERPLEXING SOCIAL PROBLEMS

Mamarinta-Umar P. Mababaya



INTERNATIONAL ISLAMIC
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الدار المالهية للكتاب الإسلامي

نشر وتوزيع الكتاب والشريط الإسلامي بسيمين لفة الإفراد المالمة: من ب. ١٩٥٥ - الرئاض ١٩٥٣ عائف ١٩٥٨ - ١٩٤٥ - ١٩٤٦ - ١٩٤٤ عند ١٩٥٤ - ١٩٥٤ الوكتيات: الرياض ١٩٤٤ - ١٤ / بوند ١٩٩٤ - ٢ / الحدر ٢٩٤٤ - ٢

INTERNATIONAL ISLAMIC PUBLISHING HOUSE I. I. P. H.

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GLOBAL PROBLEMS AND THE NEED FOR ISLAMIC SOLUTIONS

The world is plagued by all sorts of problems - social unrest, political instabilities, mass poverty and destitution, prostitution, homicides, killings, drug eddiction, elcoholism, tamily break-ups, juvenile delinquency, suicidee end the so-called Acquired Immune Dallclency Syndrome(ADS)

The AIDS Epidemic

The so-called Acquired Immune Deficiency Syndrome (AIDS) is currently the world's most flightening killer disease. The Nobel Laureate Dr. Hoshus Lederberg, Presidant of Rockefellar University, said that AIDS would become the world's third-leading killer disease that would kill 10 percent of the world's population over the next 20 years. Addressing the opening session of a two-day medical conference at the University of West Indies, on the theme "Emerging Viruses as a Threat to Mankind". Lederberg also predicted that "some nations" might lose as much as 40 percent of their population over the naxt 10 years because of the AIDS virus."

Statistics released by the World Health Organization (WHO) reveal that the total confirmed AIDS cases worldwide passed the 200,000 mark in 1989. The United States, the world's worst AIDS-affected country, accounts for more than 113 thousand of total AIDS victims worldwide in 1989. § Brazī (6,555 cases through December of 1989) is the highest in Latin America, and ranks second to the United States, on a global basis. France with 8,022 cases is the highest in Europe, and is the world's

third-ranking AIDS country.1 Other major AIDS-stricken areas are Malawi at a rata of 22.2 par 100.000 paopla), Switzerland (5.9 per 100,000 peopla) and Australia (2.8 per 100,000 peopla).2. On a regional basis. America eccounts for roughly 70% of the world's total AIDS cases: Europe and Africa combined, roughly 26%; and Oceania and Asia, the marginal balanca. WHO Sacretary Ganeral Dr. Hiroshi Naima beliaves that the actual number of AIDS cases was more than twice as high. He astimates that "there are at least 375.000 cases of AIDS and between 5 million to 10 million persons are infected by the virus who will die sooner or later."3 Lately, WHO estimated that the worldwide number of AIDS cases will reach more than 1 million by 1991 and climb to almost 6 million by the and of 1990S.4 The usual AIDS victims are homosexuals and prostitutes. Thus, AIDS is a mere byproduct of the related manacas of homosexuality, sodomy and prostitution. The AIDS epidemic has already started hitting soma Christian clergymen, because many of them are homosexuals. In fact, 20% of the U.S. Catholic clargy are reportedly homosexual, of which 50% are sexually active. 5 Also cited in tha February 23 1987 Issue of Nawsweek, this was the conclusion of Baltimora therapist A.W. Richard Sipe's 25-year (1960-1985) study covaring 1,500 interviews, out of the total 57,000 catholic priasts. Himself a former priast, Sipe ballevaa that the number of gav priests in the United Statas has increased significantly. In fact, in Gay Priasts, a book recantly published by Harper and Row. University of Kantucky rasearcher James G. Wolf revealed that the extent of clarical homosexuality is in the range of 40% to 60%, as astimated by his respondents, who thamselves are gev priests. Only one of those Interviewed raported that he had

¹ Arab News, January 29, 1990, p. 9. 2 Arab News, May 6, 1969

A arab News, June 6, 1998. Human immunodeficiency virus (HIV) is the one that causes AIDS. See Arab News, June 6, 1998.

⁴ Arab News, January 29, 1990, p. 8. 5 Time Magazine, November 13, 1989, p. 44.

ebstained entirely from sex since he became a priest and 37% disclosed their "sexual ectivity to be frequent since ordination".

in his opening eddress to the international conference on "AIDS in Asia end the Pecific" in March 1989. Thai Princess Dr. Chulaphorn estimated that those elready infected with the AIDS virus would pass it on to ebout t00 million peoples by the end of the century.2 Such forecast is not unlikely to happen, bearing in mind that prostitution, pernography and homosexuality are not only condoned in many countries worldwide, but also becoming lucrative sources of living in the West. This is aggravated by the fact that there is now e rising trend for international trade in children. Prostitution, pornography end slavery are reportedly linked to the traffic in children from the developing countries to the United States end Europe.3 Unfortunately governments in Latin America and South East Asia neither cooperate with each other to ben this illegal trade, nor punish the offenders.

Is the AIDS epidemic not a warning to the transgressors? More then 1400 years ego, the Prophet Muhammad (peace be upon him), by the infinite wisdom and mercy of Allah, had already edmonished menkind of the consequences and dangers of promiscuous sexual relationships:

"Whenever sexual permissiveness spreads among the people until it becomes declared, infections and killing disease, as well as illnesses not previously found in their ancestors will also spread among them."4

¹ Time Magazine, November 13, 1869, p. 44. 2 Arab News, March 7, 1989.

³ South Megazine, December 1987, p. 9.

⁴ Ibn Mela, Al-Bazzar and Al-Baihaqi; quoted by Suleiman Queh, The Scientific Discoveries in Correlation to the Glorious Cur'en (Manile: Islamic De'weh Council of the Philippines, 1988), p. 83.

Sexual promiscuity may also "lead to cervical dyplasie, with the risk of melignancy. The development of these pethological changes is releted to the frequency of sexual intercourse and the number of partners."

Cognizant of the danger of AIDS. Chinese doctors have likened this epidemic to that of nuclear holocaust. They reported in the People's Dally, the official Chinese Communist Party newspaper, that "AIDS is considered the world's most dangerous scourge of the 20th century."2 The Chinese doctors must have been trying to warn their fellowmen to refrain from the current fad of pre-marital sex that is prevailing in the West, and is now adopted in China. Pan Suiming professor of sexology at the People's University of Peking, carried out two studies of the Chinese sexual habits, with quite alarming results. The studies reveal that "Young people in big cities know a lot about sex now. Practically all have sexual relations before marriage. Those who don't have become the exception." Moreover, the studies also disclose that "adultery is on the increase: among almost 10% of Peking couples one partner has had extra marital affairs, more often men than women "

Soaring Crime Rates in the Leading Democratic and Communist Countries

Irrefutable facts show that man-made systems, devoid of Divine guidance, have done more harm than good to humanity. Take the case of the United States, currently the reigning "Super

See Kelth L. Moore, The Developing Human; Clinically Oriented Embryology (Jeddah; Dar Al-Giblah, 1983), p. 158.

² Arab News, Feb 26, 1986, p.16. 3 Asieweek, October 14, 1988, p. 41.

power" and the forerunner of democracy. The Fortune magazine unraveled in 1987 the major crimes devastating the United States, as follows:

"Robbery and rape rates nearly quadrupled between 1963 and 1980; burglary and assault rates roughly tripled; the murder rate more than doubled. The result is that a 12-year-old American boy has an 89% chance of becoming a victim of violent crime in his lifetime, and an urbar household has a 93% chance of being burgled sometime during the next 20 years."

The crime rates in the United States have persisted because only "few criminals have been made to pay a penafty." In fact, "fewer than a third of those convicted of a scrious crime against persons or property go to prison, and of the many who walk away with only probation, 65% get picked up for similar crimes within three years."

In its annual report "Grime in the United States", the Federal Bureau of Investigation (FBI) reveals that there were 13.9 million criminal offenses across America in 1988, reflecting a 3% increase over that of 1987, 17% higher than five years ago and 14% above the level a decade ago. The 1988 total represented an average of more than 5,600 offenses per 100,000 people living in the United States. The FBI report also highlighted 910,092 aggravated assaults in 1988, up six percent from 1987, 33 percent from 1984 and 45 percent from 1979. They accounted for more than half of all reported violent crimes in the country.

^{1 &#}x27;America's Underclass: What to do?', Fortune International (Switzerland ; Time Inc., May 11, 1987), p. 62.

² lbid., p 87,

There were more than a half-million cases of robbery up five percent from 1987, 12 percent from 1984 and 13 percent from 1979.1 The FBI was also aware of 1,073,998 motor-vehicle thafts in 1991 2

The FBI reported 20.675 murders in the U.S. in 1988. reflecting a murder rate of eight per 100,000 residents. The 1988 murder rate was up 3% from 1987, 11 percent from 1984, but down 4% from a decade ago in 1979. Last year rate was also down 8% from the 1981 rate of 22.516 murders.

The non-Islamic values of free mixing and casual closeness of men end women, without any legitimate connections (say, by virtue of marriage or blood relationship), have created a lot of problems including rapes and other forms of women abuse. In the United States, for example, reported rapes in 1988 totaled 92,486, up two percent from 1987, 10 percent from 1984 and 21 percent from 1979. An estimated 73 of every 100,000 women in the country were reported victims.⁴ The 1988 rape rate was substantially lower than that of the 1981 level (178,000 cases). But "for every woman who reported e rape to the police, perhaps nine or maybe 25 did not".5 Bonafide experts estimate that 2 million to 6 million women in the United States ere heaten by their husbands every year.6

Human abuse in the United States is not limited to women. but to children as well. In fact, there were more than 2.2 million

¹ Arab News, August 7, 1869, p. 5.

² Time, September 5, 1963, p. 26.

³ The guest for survival by many homeless Americans has certainly contributed to the scenng come rates in the United States. According to the Urban Institute study, there are more than a helf million homeiess in the country. See Arab News, November 5, 1988

⁴ Arab News August 7, 1969, p. 5. 5 Time, September 5, 1963, p. 28,

⁸ Ibid.

child abuse cases in the United States in 1988, compared with 851,000 cases in 1982 and 413,000 cases in 1976. Physical ebuse resulted in the deaths of 1,225 American children in 1988, compared with 1,163 in 1987. The 1988 ligure signals the rising trend of child ebuse cases in the United States. Moreover, about 5% of dependent elderly Americans may be abused or physically mistreated (granny bashing) by their children.²

The Soviet Union — the counterpart of the United States In the Eest Bloc and the forerunner of Communism — is another case of grave concern.

In the Soviet Union, violent crimes have been rising markedly in recent years. Armed robbery went up nationwide by 42.8% in 1987 end 1988; 40% for the first four months of 1989 alonei³

A huge jump in street crime pushed the overall Soviet crime rate up by nearly one-third in the first-hair of 1989. The Soviet Interior Minister Vadim Bakatin told a news conference on July 11, 1989 that 1.1 million crimes were committed in the Soviet Union, 30 percent more than in the same period last year.⁴

Statistics from the Soviet Interior Ministry recently revealed that "the total number of recorded crimes in the Soviet Union rose by 68,700 to 1,867,223 in 1988, en increase of 3.8% over 1987." The statistics further disclosed that in 1988, "the number of murders case to 18,710 from 1,455 in 1987; 17,636 repes were reported compared with 16,765 in 1997; cases of assault and better incressed to

^{1 1988} figure was taken from Arab News, April 1, 1989; 1982 and 1978 figures, from Time, September 5, 1983, p. 30.

² Time, September 5, 1983, Ibid., p. 29.

² Time, September 5, 1963, Ibid., p. 24. 3 Business Week, June 5, 1969, p. 43.

³ Business Week, June 5, 1989, p. 4 Arab News, July 12, 1988.

⁵ International Herald Tribune, February 15, 1989, p. 2.

37,191 compared with 28,250 the previous year; and recorded incidents of wollent robbery increased to 12,916 from 9,047 in 1987. A sharp increase in the Soviet crime rate has contributed to an atmosphere of insecurity in the Soviet capital and prompted a stern reaction from the Kermlin. 2

In China, hundreds of special police had to patrol the country's railroads in a bid to combat a dramatic increase in robberies aboard trains in 1989. Many organized Chinese gangs now boldly mug passengers and steal freight, according to the official magazine Beijing Review. Just in the first 3 months of 1989, 1,800 train-board robberies occurred, a staggering 89% increase over the same period in 1988.

The Rising Divorce Rates in the West

Divorce problem in the West has been persistent at alarming rates. Britain has the highest divorce rate in the twelvenation European Community and holds third place for children born out of wedlock. Results of a poll conducted by the Family Policy studies Center and published in the mass-circulation Daily Mail indicate a divorce rate of 12.9 per 1000 marriages emong Britons, a performance rivalled only the Danes with 12.8 per 1000. Third place for divorces went to the Netherlands, which showed a significantly lower rate of 8.7 per 1000. At the bottom of the list is Ireland where the dissolution of marriage was torbidden by iaw. The figures evoked worries from the Pally Mail, which commented that Britain and much of the rest of Europe faced a

¹ field 2 Arab News May 9, 1960, p. 12 3 libid.

"breakdown in the family" es en institution of daily life. The study based on statistics for 1986 end 1987, identified Denmark as the country where the most children - 43.8 percent - ere born out of wedlock. France followed at 21.9 percent and Britain 20.9 percent. Last place went to Greece, where just under two children were born outside the traditional family framework.1

Divorce rate in Finland was 1.3 per 1000 in 1969; in the United States. 2.9 per 1000 in 1968; and in Sweden, 1,3 per 1000 n 1966.2 Divorce cases in Japan for 1989 were 159,000.

Alcoholism and Drug Abuse

Alcoholism has been a major problem devastating virtually all parts of the non-Muslim world. Specifically, the Americans and the Russians are among the notoriously known alcoholics in the world

According to the U.S. National Center for Disease Control. "At least 46 percent of the cirrhosis deaths emong U.S. men. and at least 15% of cirrhosis deaths among women, is attributable to heavy drinking."4

There are 10 million alcohol dependents in the United States. There, the death toll due to traffic eccidents is 60,000

¹ Arab News, June 16, 1989, p. 16.

² Norman L. Farberow, Ed. Suicide in Different Cultures (Baltimore: University Park Press, 1975), p.

³ Arab News, January 3, 1990, p. 18. 4 Arab News, November 26, 1969, p. 16.

annually, of which half of them ere related to alcoholism. Deaths due to diseases caused by elcohol renge between 15,000 end 20,000 annually; end suicide end murder committed under the influence of alcohol reach a similar figure. The ennual costs of alcohol-related problems in the U.S. were \$30 billion in 1971, \$56 billion in 1978 end \$43 billion in 1979.

Nine out of 10 Americans think drugs are a chief important cause of crime and 81% favor using the National Guard to patrol drug infested neighborhoods, according to the survey released on July 29, 1989 by the Lexis Computer Legal Research Service and the National Law Journal. Asked to choose the "chief" or "important" causes of crime, 91% of the respondents said drugs; 87% said the failure of the criminal justice system end 81% cited a decline in moral and ethical values. Those polled were esked to score, the perceived safety of American cities, from one (very safe) to ten (very dangerous). The worst eight: New York (7.55; Marni, 7.23; Los Angeles, 6.95; Washington, 6,78; Chicago, 6.56; Detroit, 6.38; Allenta, 4.81; end Boston, 4.46.3

In the Soviet Union, 37% of the workers are alcoholics. Absenteeism, caused not only by the need to spend hours lining up for the staples of the next day's meals but also by widespread drunkenness, is prevelent in the country. Abseentism and alcoholism ere the twin menaces responsible for the country's low industrial productivity end poor quality products.

The Soviet Union is on top of the world as the Number One alcohol dependent country, with 25 million Soviets suffering

¹ lebel, Harts, Alcohof Problems and Alcoholism; quoted in Dr. All Albar, M. The Problem of Alcohof and its Solution in Islam, Saudi Publishing & Distributing House, 1986, pp. 41, 71.

Dr. All Alber, M. The Problem of Alcohol and its Solution in Islam, Saudi Publishing & Distributing House, 1966, pp. 37, 71,

³ Arab News, July 31, 1989, p. 16.

from alcohol dependence, and 15% of the adult population now getting treatment for alcohol dependence.

Per cabut use of hard liquor in the USSR is the highest in the world end has reportedly increased fivefold since 1940. Rampent alcoholism is known to be the most common reason. why one out of two Soviet marriages now ends in divorce. Alcoholism is also blamed for 67% of all economic crimes, 60% of all serious traffic accidents, and 90% of all murders 2

Gorbachev's war against the "green snake" - alcohol abuse - included the closure of more then two-thirds of the country's liquor stores, reduction in the production of wines and spirits, and the increase of fine for public drunkenness from 3 rubles to 50 rubles. Pensioners, however, spend afternoons in the three-hour vodka lines and then sell thirsty workers a glassful at the end of the day - for double the going price.3

Unrelenting Suicide Rates

A ccording to Durkhelm's theory of suicide, ecolsm and suicide vary proportionately; suicide and integration are inversely related 4 The theory postulate, among others, that "es the level of integration decreases, the individual detaches himself from accial life, and his personal goals supersede those of the social community ... Egolsm then, is a social condition in which socially

¹ Dr. Alf Albert by 1, The Problem of Alcohol and its Bolution in Islam. Saudi Publishins &

co., of Abor, Is 1. The Problem of Aborbol and Its Bolution in Islam, Saudi Publishing & Distributing, the us, 1965, p. 4.1.
Almaps, A.C., A.1 * Army Thing Responsed on the Wey to Communition, FAFT, 1987.
Basiness West, Downshow 11, 1986, p. 122.
Withhary Place, (* Nathhelm's Suicide: A Classic Analyzed (Chicago: The University of Chicago Press, 1978, pp. 14-17.

is weak, while personality and individuality are highly developed and individual interests are expressed at the expense of social interests."¹

For instance, Whitney Pope'e study on suicide concludes that:

"Suicide-rates differ from country to country

Countries of Germanic influence show high suicide-rates ...
the effect of Lutheranism and Calvinism, which throw guiltfeelings back on the individual, and make frustration
general with no compensating belief in the religious sanctity
of such things as powerty, humility, and cellbacy ..."²

Available facts indicate that In the so-called developed countries where the clitzens consider themselves highly developed, cultured end affluent, suicide has been occurring day by day at alarming rates. Many Americans, for instance, commit suicide every day. In fact, every 90 seconde e young American ettempts suicide, of which one out of 60 succeeds. An estimated 30,000 people in the United States kill themselves ennually, including some 5,000 young Americans between the ego of 15 end 24. An estimated 100,000 youths ettempt suicide annually. Almost 1,900 adolescents — most of them white males — succeed in killing themselvee ennually. The suicide rate in the 15 to 19 year ege group has doubled over the past 20 years, eccording to U.S. official figures. Suicide hes become the most common cause of death after traffic accidents for this age group.⁵

Whitney Pope, Dunheim's Suicide: A Classic Analyzed (Chicago: The University of Chicago Press, 1970), p. 17.
 Emile Duntheim, Suicide: A Study in Sociology (New York: The Free Press, 1966), p. 27.

² Emiss Duritherm, Suicide: A Study in Sociology (New York: The Free Press, 1988), p. 2 3 Arab News, May 8, 1989

100,000 people from 1980 to 1986. in 1986, 64% of the men end 40% of the women who took their own lives shut themselves. Moreover, the U.S. leads the world in gun use for self-inflicted deaths. In 1986, 7.5 people per 100,000 in America used firearms. to kill themselves: Switzerland was second with 6, followed by France with 4.9 and Canada with 4.7.2 Within a typical 24-hour period, 74 people in America died in a continuing enidemic of dunfire. They were ell shot during e single day - Monday, May 1, 1989. The Time magazine candidly poses the question: "How can America think of itself as a civilized society when day after day the bodies file up amid the primitive crackle of gunfire across the land?"3 Contrary to the wrong impression that life in the United States is a model worth emulating, many Americans are left in the dark, because they do not have any genuine moral guidance to follow. They themselves realized their predicament. but they simply do not know what to do. For instance, a recent survey in the United States disclosed that "more than 90 percent of the people questioned would change their lives dramatically if they could. They don't like the wey they live now, but they don't know how to change."4 Thus, many of them who do not know what to do simply make out a "living will" thru the so-called "Society for the Right to Die". This phenomenon has recently emerged in the District of Columbia, California, Florida, Virginia and other states 5

The case of the Soviet Union is even more alarming when compared to the United States. in 1984, for instance, 81,417 Soviets killed themselves, compered to 29,286 Americans in the

¹ Time, July 17, 1969, p. 31. 2 sbid.

⁴ Excerpts from "The Summary" of Why leaders Can't Lead, Soundview Executive Summaries, Vol.

^{11,} No. 11, November 1989, p. 5: from the Sook of Watten Bennis, Why leaders Can't Lead (San Francisco: Jossey-Bass Publishers).
5 International Business Week (New York: McGraw-Hill, Inc., July 1, 1965), p. 66

same year.1

in Latin America, suicide rate in Buenos Aires, Argentina, was more than 10 per 100,000 people in 1964-1968. In terms of social strata, more then 4000 suicide cases in 1960-65 were reported to the Police, of which the upper class accounted for 144 cases, middle cless 1,130 cases end lower class 2,848 cases.²

In West Europe, suicide rates in **Norway** were significant for several decades — 6.6 per 100,000 people in 1876-1900, 5.9 per 100,000 in 1901-1925, 6.6 per 100,000 in 1926-1950 end 7.4 per 100,000 in 1951-1969.³ in the Netherlands, suicide rate was seven per 100,000 through many decades.⁴

In Great Britain, the sulcide rate over the past four decades ranged from 10 to 12 per 100,000.win S. Shneidman, Ed. Sulciodology: Contemporary Developments (New York: Grune & Stratton, Inc., 1976), p. 504. One recent report reveals that en average of fourteen to a peak of twenty-two people a year commit suicide at Beechy Head alone, on the South Coast, England's most popular spot for sulcides.⁵

in the Middle East, Israel Is known for high suicide rate, which is above that of Norway and the Netherlands and below that of the United States.⁶

¹ Arab News, Jan 17, 1986, p. 12. 2 Norman L. Farberow, Ed. Suicide in Offerent Cultures, op. cit., p. 80.

³ BMJ, Y 80

⁴ fbit. p 165.

⁵ Arab News, June 17, 1969, p. 16. 5 Norman L. Farberow, Ed. Suicide in Different Cultures, op. cit., p. 218.

In the Far East, Japan has been one of the leading nations in suicide rates.1 For the ege range 15 to 29 years, suicide was the primary cause of death for Japanese females, and the second major cause for Japanese male in the same age range. Historical data indicate that suicide rates in Japan per 100,000 people were eighteen in 1901, nineteen in 1910 and 1920. twenty-two in 1930, twenty in 1950, twenty-five in 1955 and 21 in 1960. The Jananese suicide rate fell to fourteen per 100,000 in 1967, which was the same as that of the 1940 level 3

In the Indian sub-continent, many Indian women commit suicides from time to time, partly because of the Hindu tradition. that requires them to raise downy for marriage. In mid 1989 for instance, three women committed suicide in southern Keraia state, by drinking poison, because of the dowry custom that often means poor women have no choice but to remain spinsters.

ISLAMIC LAW AND ITS VIABILITY TO SOLVE THE CURRENT GLOBAL PROBLEMS

This section covers some notes on the basic concepts of islamic Law and its viability to solve the current global problems. its details are not within the scope of this work, let alone the fact that these are under the realm of the professional Islamic jurists. As a stepping-stope to further research on the subject, some Qur'anic injunctions and prophetic teachings which serve as

¹ Norman L. Farberow, Ed. Suicide in Different Gultures, op cit., p 255 2 lbed., p 255

⁴ Areh News June 13 1989 n 18

general guidelines for solving the current global problems ere also presented here.

The Basic Concepts of Shari'ah and Figh

Sharl'ah literally means the "road to a watering piece", hence the path of God. It is the body of revealed lews found both in the Qur'en end in the Sunneh. In principle, e Muslim's life is ruled in its entirety by the Sheri'ah, which "spells out the precise rules end regulations governing individual relations with God as well as with fellow-Muslims end non-religious activities of the Muslims. Bearing in mind the unique character of Islam as a religion end complete code of life, Sheri'eh is the Law according to which God wants e Muslim to live. Sharl'eh has a comprehensive public law that covers both constitutional end international erfairs. Liewise, it has e private law that covers both criminal end civil matters. It is fundamentally e doctrine of acts end obligations based entirely on revealed sources — namely the Qur'an end the Sunneh. It is e complete way of life.

Muhammad A. Al-Bursey, Islamic Law and Administration, California State University, 1974 (Masters thesis, unpublished), p. 51.

² Abu X has Macoud devines Sharfah se "the desidate code of conduct or the canona comprising way and modes of breathp, standards of mores and tiles entry the lates that allow and prescribe, that judge between right and veryor. Such Caron late has undergone amendments from time to time and to see that the conditions of his compropely and entry the conditions of his compropely and time. This process and deep thin his may be designed to set the conditions of his compropely and time. This process and deep thin his the final code which was to apply to all mentaline and time to be once. Bear Abul Air Mexicol. Towards which was to apply to all mentaline that all times to come. Bear Abul Air Mexicol. Towards and the second of the compression of the conditions of

towards which the Individual and society must strive.1

Figh, on the other hand, is a body of laws derived from Shariah to cover specific situations not directly treated in the letter. Shariah, therefore, is general in nature end scope, laying down the basic principles of Islamic Law. As such, "Shariah Is liked and unchangeable." Figh, on the other hand, is more specific, demonstrating how the basic principles of Shariah be applied in particular situations. In other words, Figh covers the set of rules derived from Sheri'eh, with specific epplications to actual problems. Since actual issues of life vary from time to time, Figh changes according to the circumstances under which it is applied."

In order to avoid confusion, Islamic Law is noted here in a collective sense, covering both the laws of Sheri'ah and Figh. Figh "calls into play one's intellect and shilly to exercise enalogical reasoning", based on injunctions of secondary import, drived from usul (fundamental import). Thus, Figh is divided into two main parts: One is Usui al-figh, literally meaning "roots of law", which is the science of jurisprudence covering the origins and sources from which the branches of the rules of human conduct ere derived. It includes the philosophy of law, the sources of rules, the principles of legislation end interpretation as well as application of the text of the Qur'an and Sunnah. The second part is furury al-figh, which means "branches of law", technically connoting the detailed laws ectually applicable in courts.

¹ Abdul Ghatur Mustim, "Infamic Laws in Historical Perspective" An Investigation into Problems and Principles in the Field of Infamiliation", The Infamic Quarterly, London: The Infamic Culture Centre, Second Quarter 1987, Vol. 2001. No. 2, pp. 69–69.

² Abu Ameenah Bisasi Philips, Evolution of the Mach; Habe: Schools of Islamic Law (Ryadh: International Islamic Publishing House, 1988), p. 2.

³ As-Sayld Sabiq, Fig us-Sunnah, (Jeddah: Maltabat al-Khadamat-s al-Hadithah, 1957), Vol. 1, p. lv.

A faql/h means a jurist; an expert in the field of law, who possesses outstanding knowledge of revealed sources and methodology, and the intelligence to avail of the basic sources through independent reasoning and the principles provided by the Shari'ah. Allah says: 1

Seest thou not how God sets forth e parable? A goodly Word like a goodly tree, whose root is firmly fixed, and its branches (reach) to the heavens.

It brings forth its fruit at all times, by the leave of its Lord. So God sets forth parables for men, in order that they may receive admonition.²

The Evolution of Islamic Law

Islamic Law had passed two periods of development and two periods of decay.³ The first period of development occurred during the apostleship (609-632 C.E.) of the Prophet Muhammad (peace be upon him). During this period, the formal sources of

¹ Appai unity the early Islamic jurists, the founders of the various schools of law, were inspired by the Our anic verses 14:24:25 * 2 Our ani 12:42:25

lew stem from the divine commend expressed directly in the Qur'an or Sunnah. Figh was not formulated as e "new branch of knowledge", because at that time the Prophet (peace be upon him) end his companions (who were unsurpassed in linguistic ebilities) were still elive. The Qur'an et first dealt with religion and morals, particularly in the early verses revealed in Makkah. Later, one finds legal rules relating to family organization, property, private and public effairs, peace and war, crimes end punishments, economic effairs end judicial procedure. All these rules are mingled with religious concepts which account for the religious influence. These legal rules largely constitute "reforms realized by Islam to counter-balance general tendencies in pre-islamic society. Thus, the first period saw the foundation by which Islamic legislation "significantly translates all the social transformations required for the progress of the *Ummah*."

The second period marked the scientific development of Figh as a new branch of knowledge. Thus, after the death of the Prophet (Peace be upon him), the Qur'en end Sunnah came to be considered as basic sources and raw material which assigned to Islamic laws their directive and domain.

The second period emerged with the inclusion in Shari'eh of two derivative sources, such as Ijmah (consensus) and Qiyas (analogical reasoning) or Ijtihad (Independent reasoning).

Qiyas is a mechanical epplication of analogy, to deduce a rule on the basis of the effective cause in e case, and to apply the same rule to enother case whenever the effective cause for both is similar.

The jurists during the second period handled Islamic laws

¹ As-Sayid Sabiq, Fiq us-Sunnah, (Jeddah: Maktabat al-Khadamat-e al-Hedithah, 1987), Vol. 1, p. lv. 2 in the author's undentanding, the second period corresponds to the establishment, building, flowering and consolidation stages of Figh, Identified by Abu Ameerah Billal Philips.

as a whole by the deductive methods of Qiyas and litihed. The verses of the Qur'an which ere considered to provide the basis for Qivas end litihad ere 38:29 and 29:69. The greatest achievement of this period was "the establishment of the Schools of Islemic Law" (Med Habs), marking the scientific development of Figh. 1

The two periods of stagnation and decline cover "epproximately six centuries starting with the sacking of Baghdad in 1258 C.E. and the execution of the last Abaasid callph. ai-Musta'sim, and anding around the middle of the 19th century of the Christian era "2

The first period of the decline in the development of Figh is also known as the period of Taglid (the blind-following of one particular school of law). This period, characterized by blindfollowing political entagonism and factionalism, led to the neglect of litihaad and the evolution of the madh-habs into totally separate entities closely resembling sects. Thus, Teqlid reduced "Islamic law practically to e frozen state." The reasons for the emergence of Tealid include the "destruction of Baghdad as e centre of Muslim intellectual life, unrestrained ectivities of the 'rational thinkers', widespread sufism, and social anarchy in ell walks of life *5

The second period of decline in the development of Figh occurred when the European colonizers, for 150 years, "directly ruled elmost the whole of Asia and Africa, which were populated

¹ Refer to Abu Ameenah Bital Philips, Evolution of the Mad Habs (Schools of Islamic Law), op. cit., pp. 1-156. 2 Ibid , pp. 96-110.

³ Abu Ameenah Bilaal Philips, Ibid., p. 96.

⁴ Abdul Ghehir Muslim, "Islamic Laws in Historical Perspective: An Investigation into Problems and Principles in the Field of Islamization", op. cit., p. 73.

to e large extent by the Muslims." The European colonizers—the British, the French end the Dutch elike — imposed their own legal system on the Muslims, except those related to family end property matters. They elso "deculturized the Muslims in such a scientific tranner es to ensure that it would be difficult to recover or organize themselves into a vital force again."²

After :50 years, decolonization took place, but the Europeans left behind their own Western !legal system and culture. The new Muslim leaders who grew up under colonialism were no doubt influenced by western thinking end values. So, although the Muslims got their own independence from the Western powers, in the physical or geographic sense, they ere now under new and higher forms of colonialism, known es neocotonialism end imperialism. The main indicators, in this respect, ere predominance of the Western legal system and cultural values in most Muslim countries, despite the superiority of Islamic Law and values.

Nowadays, the Muslim masses have begun to realize that the discarding of Islamic Law, the prevalence of **Taqlid** and factionalism, as well as the presence of Western legal system and culture, have all contributed to their retrogression or backwardness. Many Muslims believe that the Ummah can regain its power and glory by reverting to Islamic Law end values.

¹ lbld., p. 74.

The Viability of Islamic Law to solve the Current Global Problems

The divine nature of Islam makes it the only religion in the world that offers genuine solutions to such protisions as social unrest, political instabilities, poverty end destitution, prostitution, homicide, killing, drug eddiction, elcoholism; tamily break-up, juvenile delinquency, suicides, AIDS and the lilke: Islam is not only a religion, but also a complete code of lilke. All facets of life, public and private alike, ere covered under the realim of letamic I aw.

Islamic Law is "the epitome of Islamic: thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself... Apart from this, the whods life of the Muslims, Arabic literature and the Arabic and Islamic idisciplines of learning are all deeply imbued with the Islamic law, it is impossible to understand Islami without understanding Islamic law."

Absolute Prohibition of Adultery, Prostitution and Other Forms of Sexual Promiscuity

Islemic Law explicitly prohibits adultery and fornication as clearly mentioned in the followin-in Qurianic Injunctions:

¹ Joseph Schecht, An Introduction to Islamic Law, epoted by Abdul Ghahir Muslim, "Islamic Laws in Historical Perspective: An Investigation Into Protein _ms and Principles in the Field of Islamical Customs, London: The Islamic Customs Country = Second Quarter 1997, Vol. 200, No. 2, p. 80.

"Nor come nigh to adultery: for it is e shamaful (deed) and an avil, opening the road (to other avils). "1

"Tha man and women guilty of adultary or fornication, flog each of tham with a hundred stripes: lat no compassion move you in thair casa, in e metter prascribed by God, if you baliava in God and tha Last Dey: and let a party of beliavars witness their punishment."

Adultery, fornication and other promiscuous sex practices are punishable in Islam, because they are indeed serious crimes which affect the antira society. As discussed earlier, the AIDS problem, which is reaching epidemic proportion, is due largely to sexual permissiveness. Thus, tha divine punishment (hudud) for these social ills is cartainly for the good of the entire humanity. Although, the AIDS problem is currently affecting largely those induiging in sexual promiscuity, many innocant individuals, including doctors, nurses and children, have been victimized by this social camaga. Even in countrias, where AIDS is virtually non-existent, people are wary about the undarlying danger. That is why the Chinese doctors likened AIDS, to that of a holocaust.

Allah's justica is aqually open to all. In islam, ona can not just be abused by tha law. For instance, e charga against e chaste individual needs to be confirmed, beyond any reasonable doubt. Allah says:

And those who launch a cherge against chaste woman, and produce not four witnessas (to support thair

¹ Qur'an, Bani-Israil, 17:32

² Quran, Nur, 242

allegations), flog them with 80 stripes; and reject their evidence ever after: for such men ere wicked transgressors.¹

Islam, therefore, discourages unwerranted suspicion es much as possible. Allah says:

O you who believe! Avoid suspicion es much (as possible): for suspicion in some ceses is a sin: and spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, you would ebhor it.. But tear God: for God is Oft-l'eturning, Most Merchul.²

So, if a wicked person accuses e woman or a men of adultery or fornication, she or he should be given the benefit of the doubt. Allah warns the believers against the mischief of the wicked as follows:

O ye who believe! If e wicked person comes to you with any news, ascertain the truth, lest ye harm people unwritingly, end efterwards become full of repentance for what ye have done.

True Muslims ere indeed God-learing. They evold all kinds of vices to please Alah elone. True believers, for instance, ere definitely mindful of the warning of the Prophet (peace be upon him) that: There is nothing which God so ebhor es his male end female servants committing edultery."

¹ Guran, Nur, 24:4 2 Holy Quran, 49:12

² Holy Guran, 49:12 3 Guran, 49:9

Contact by Asimulah M. Olimone of the Made

Guoled by Azizullah, M. Glimpses of the Hadith (Karachi: The Crescent Publications, 1982).

The Principle of Equality and Justice: The Way to Overcome the Crimes Worldwide

Islam also providas absolutely effective solution to murder and other related crimes common in tha Wast and elsewhara. The Islamic laws of equality and justice, tempered with mercy, are seen in the following Qur'anic injunctions:

"O ye who believel the law of equality is prescribed to you in casas of murdar: tha free for the free, the slave for the slave, the woman for the woman. But if any remission by the brother of the slain, then grant any reasonable demand, and compensate him with handsome gratitude. This is a concession and a mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty."

In the Law of Equality there is (saving of) life to you, O ye men of understanding that ye may restrain yourselves.²

In it (i.a. the Torah) We decreed for them a life for a lifa, an aya for en eya, a nosa for a nosa, an ear for an ear, a tooth for a tooth, end a (similar) ratribution for wounds. But for him who foregoas it out of mercy, It will atone for soma of his shins. Those who do not ludda in accordance with what Allah has revealed are

¹ Qur'an, Al-Bagara, 2:178 2 Qur'an, Al-Bagara, 2:179

indeed wrongdoers.1

Nor take life — which Alieh has made sacred — except for just cause. And if anyone is slein wrongfully, we have ghen his heir euthority (to demend Oisas or to forgive); but let him not exceed bounds in the metter of taking life; for he is helped by the (Law).

The recompense for en injury is en injury equal thereto (in degree): but if e person lorgives and makes reconciliation, his rewerd ie due from Alleh: for (Alleh) loveth not those who do wrong.

As to the thief, mele or femele, cut off his hand or her hends: a punishment by way of example, from Allah, for their crime: and God is exalted in power.⁴

But if the thief repent after his crime, end amend his conduct, Aliah turneth to him in forgiveness; for Aliah is Oft-lorgiving, Most Merciful.⁵

We have already seen earlier that murder, burgiary end other related crimes ere taking place, day by day. In both the capitalist and communist worlds, notably in the United States and the Soviet Union. Had the West end elsewhere been under islamic rule, es is the case of Saudi Arabia, such crimes would have rarely occurred. Saudi Arabia has remeined the most peaceful country in the world, beceuse of its adherence to Sharl'ah. For instance, when e murderer is finally convicted, after passing through a legal procedure in eccordance with the

¹ Holy Qur'an, Al Maldeh: 5.44-47 2 Qur'an, Bani Isra-II, 17:33

³ Qur'an, Shura, 42:40

⁴ Qur'an, Malda, 5.38 5 Qur'an, Maida, 5:36

Sharia 1, he willibe punished accordingly in the eyes of the public. Corven "lond wildom will tell enyone not to do amything against the law, when he sees that the culprits are duly punishing the culp. Its as affilen's blessing for the entire humanity. Duly punishing the convict for example, means that the law-abbling people will heve peace of mind, because they knowfor sure that they are telling prefected by the taw. Thus, this is tantamount to removing of the social cancer for the benefit of all.

In cc ntrast, as long es America, Europe and the rest of the world - Including Muslim countries which emulate the West - stick to till elir man-made laws, they will always be on the brink of chaos ank Instability.

Where Islamic Law prevells, as in the Kingdom of Saudi Arabla, the constituents are God-fearing and righteous. They obey the sayii of of the Prophet (peace be upon him) that: "Of all men, the pt opte who have falth ebstain most from killing."

The Divorce Issue in Islam

Re, parding merital frictions, man's hatred or displeasure egainst his wife does not mean that he is free to mistreat or ebuse he.: In case of serious dispute between the wife and husband, is tarm has faid down very scientific steps to be followed.

¹ in Buck Armisk, it was a comment innovindegly that after this Buck! windows go to prayer, they used to besser open their offer these, among various because open the present product of the product

The underlying objective is peace and reconciliation for the integration of the family.

In en Islamic state, civil courts elso handle legal matters pertaining to marital problems. However, members of the community, particularly the parents end relatives, ere duty-bound to help pacify the couple, before the friction becomes too serious to handle. Allah says:

If ye fear e breach between them twain, eppoint (two) erbiters, one from his family, end the other from hers; if they wish for peace, Alleh will cause their reconciliation: for Allah hath full knowledge, and is ecualinted with ell things.

Allah has enjoined on the believing men to treat their wives with kindness, es the following verse shows:

O ye who believe! Ye ere forbidden to inherit women egainst their will. Nor should ye treet them with hershness, that ye may take awey part of the dower ye have given them — except where they have been guilty of open lewdness; on the contrary live with them on e footing of kindness end equily. If ye take e dislike to them it mey be they ye dislike e thing, and Alleh brings ebout through it e great deel of good. **

The Qur'an has e whole chapter entitled "Divorce" (Al Telaq). 3 Verse One of Chepter 65 (Al-Teleq) states:

O Prophet! When ye divorce women, divorce them et their prescribed periods, and count (eccuretely) their

¹ Qur'an, Al Nisa' 4:35 2 Qur'an, Al Nisa, 4:18

² Quran, Al Taleg, 65:1-7

prescribed periods: and f ear Allah your Lord: And turn tham not out of thair houses, nor shall thay (themsalves) leave, except in case thay are guilty of open lewdness, those are limits sat by Allah: and any who transgrasss the limits of Allah, does verily wrong his (own) soul: thou knowest not if perchance Allah will bring about thereafter some new situation.)

in Islam, tha wifa is aqually granted the right to divorce her husband if her damand for divorca is justifiabla. That is, if tha marriage does not prova to be functional and affective because the husband neglects his responsibilities or no elemant of lova binds tham to stay together. By the same tokan, if the wife is guilty of open lewdness, the husband may resort to divorca. Howevar, tha Prophet's advica on the issua of divorce should be borne in mind. He says that "Tha lawfull thing which God hates most is divorca." Howevar, when things seem worst that peace and reconciliation between wifa and husband ara next to impossible, divorce maybe Inevitable. Allah says.

For those who take an oath for abstantion from their wives, a waiting for four months is ordained; if they then ratum, Allah is Oft-Forgiving, Most Merciful.

But if their Intention is firm for divorce, Aliah hearath and knoweth all things.

Divorced woman shall wait concerning thamsalvas for three months period. Nor is it lawful for them to hide what Allah hath created in thair wombs, if thay have

¹ in his commentary on this were, Abdullah Yusuf All says that in the first instance her Proporties infinished addressed individually, as the Teacher, and opportunished on the Community. Then his actual directions: "When ye.," are addressed to the community collectively. See Abdullah Yusuf All, The Holy Carfart. Treet, Translation and Commentary, New Pavised Edition (Bretheoost: Americ Ocoporation, 1998), p. 1463.

feith in Allah and the Last Day. And their husbands have the bettar right to take tham back in that period, if they wish for reconcillation. And women shall heve rights similar to the rights against tham, eccording to what is equitable; but men have a degree (of edvantage) over them end Allah is exaited in Power. Wis

A divorce is only permissible twice: after that, the parties should either hold together on equitable terms, or separate with kindness. It is not lewful for you, (men), to take back any of your gifts (from your wives), except when both parties fear that they would be uneble to keep the limits ordelined by Allah. There is no bleme on either of them if she give something for her fraedom. These are the limits ordelined by Allah; so do not transgress them if eny do transgress the first ordelined by Allah; such persons wrong (themselves as well as others).

So if a husband divorces his wife (irrevocably), ha cannot, after thet, remerry her until after she hes merried another husband and ha has divorced her. In thet case there is no blame on either of them if their reunile, provided they feet that they can keep the limits ordained by Allah. Such ere tha limits ordained by Alleh, which he makas pieln for those to those who understand.

When ye divorce women, and they fulfill the term of their ('iddeh), either take them back on equitable terms or set them free on equitable terms; but do not take them back to Injure them, (or) to take undue edvantage; if anyone does that, he wrongs his own soul. Do not treat Allah's Signs as a jest, but solemnly rehearse Allah's favours on you, end the fact that He sent down to you the Book end Wisdom for your instruction. And feer Alleh, end know thet Alleh Is well-acquainted with all things.

When ye divorce women, and they fulfil the term of their ('iddeh), do not prevent them from marrying their (former) husbands. If they mutually egree on equitable terms. This instruction is for all amongst you, who believe in Alleh and the Last Day. That is (the course meking for) most virtue end purity emonast you. And Allah knows, and ve know not.

The Prophet Muhammad (peace be upon him) says:

"If any woman asks her husband for divorce without some strong reasons the odor of paradise will be forbidden to her "

Prohibition of Intoxicants and Gambling

At first, the Muslims in Medina were not prohibited to drink intoxicating wine or liquor, end to gamble. When Muslims begen to esk ebout drinking end gambling, the Prophet (peace be upon him) received the following revelation:

They esk thee concerning wine end gambling. Sey: "In them is great sin, and some profit, for men; but the sin is greater than the profit "3

While this reveletion helped in minimizing alcoholism emong Muslims those days, they still continued to drink. Many

¹ Cur'en, Al Begare, 2:226, 232 2 Abu Daud, Tirmidhi, Ibn Mais

³ Qur'en, Al Repara, 2:218

were even under the influence of liquor when they were in prayers. So, another Qur'anic injunction from Allah was revealed to the Prophet as follows:

O ye who believe! Approach not prayers with a mind befogged, until ye can understand all thet ye say. 1

The final revelation on the prohibition of drinking wine and gambling says:

"O ye who believel Intoxicents end gembling, (dedication) of stones, and (divination by) arrows ere an abomination of Setan's handiwork: Eschew such abomination, thet you may prosper.

Satan's plan is (but) to excite enmity end hatred emong you, with intoxicants end gembling, and to turn you away from the remembrance of God end from Prayer: Will you not then ebstain?²²

Again, had the West end elsewhere been under Islemic rule, the problems of alcoholism in the United States, Soviet Union end elsewhere in the world would have been minimized, if not eradicated.

The problems of alcoholism end drug-addiction prevelent emong the people in the developed countries of the world point to the fact that they are unheppy.

¹ Curan, Al Niss, 4:43 2 Curan, Maids, 5:80-91

The Prohibition of Suicide

In the non-Muslim parts of the world, when problems go uncontrolled, many simply do not know what to do end where to go. So, thay kill themselves, es elready discussed earlier. In contrast, a non-Muslim historian Philip Hitti in his book History of the Arabs, objectively emphasizes that suicide is rara in Muslim Lands. He says: "In this uncompromising monotheism, with its simple, enthusiestic feith in the supreme rule of e transcendent being, lies the chief strength of Islam. Its adherents enjoy e consciousness of contentment and resignetion unknown among followers of most creeds."

islam considers life as a trust (amaneh) from Alleh. All good things that one possesses ere, In fact, amanah — his own mind, body end soul, his life-partner, his own children, his wealth end the like. All of thase belong to Allah elone. Thus, what right has one got to take his life eway. Allah says:

"O ye who believel Est not up your properly emong yourselves in venitias: But let there be amongst you treffic and trade by mutuel good-will: Nor kill (or destroy) yourselves: for verily God heth been to you Most Mercifuli

If any do thet in rancour end injustica, soon shall We

¹ Guoled by Abul A'la Mawdudi, Towards Understanding Islam, op. oit., p. 106.

cest them into the Fire: end easy it is for God."1

The Muslims know well that suicide is absolutely prohibited by Allah. No Muslim commits suicide, because if he does, he will have the Hell-fire es his eternal ebode. The Prophet says:

He who throws himself from a mountain and kills himself will be thrown in the fire and remein in it forever; and he who sips poison and kills himself will heve his poison in his hend end sip it forever and ever in the fire of heli.²² Do not harm yourself or others.²³

CONCLUDING REMARKS

Indeed, the teachings of Islam cater to humanity-at-large. All problems affecting man end his environment can be solved through proper implementation of Islemic Law. But, how can the current global problems be solved through Islam, when Muslims themselves do not implement it? How can we prove to others that we can solve their problems when we ourselves have more problems to solve?

Now that the Muslim society is, in general, et variance with real Islam, it is our duty to help rectify the conditions we are in. Knowing that Islamic Law was effectively implemented before, there is no reason why it cannot be viably carried out now and in the future. By the Grace of Allah, Islamic revival is elready in the offing, and Muslim men end women should have strong commitment end conviction to cooperate elong this path.

¹ Qur'er, Ness, 429-30

² Suthart, Muslim Abu Daud, Timidhi and Nasal 3 Ahmed and Itin Hass

Muslims need to think "global" as members of the Ummeh. They should be eble to break all barriers egainst their unity and brotherhood. Muslims worldwide should continuously promote cooperation, brotherhood end unity emong themselves. Allah says:

Help one enother in righteousness end piety, but help not one another in sin end rancor: feer God: for God is strict in punishment.¹

The Bellevers ere but e single Brotherhood: so make peece and reconcilietion between your two (contending) brothers; end feer God that you mey receive Mercy.²

Muslims, both es individuals and es groups, should help carry out the task of Da'wah. They should persistently let the world know thet Islam is for all mankind. They should betwee according to the teachings of islem. They must strictly adhere to the Quiran and Sunnah, so that non-Muslims will notice end eppreciate the beauty of Islam. In other words, reviving the golden ege of the Ummah should stert at home. We should imbibe in our families the real teachings of Islam, so that we can reassert our identity es Muslims. We should see to it that the immediate members of our families, our daughters, sons and wives, ere models of what Muslims should be. At the same time, we should elso esk our family members to help convey the message of Islam to others.

¹ Holy Qur'an, 5:2 2 Holy Qur'an, 49:10